

REMARKS

This Response is submitted in reply to the non-final Office Action mailed on May 30, 2007. No fee is due in connection with this Response. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-510 on the account statement.

Claims 15-28 are pending in this application. Claims 1-14 were previously cancelled. In the Office Action, Claims 15-22 and 25-28 are rejected under 35 U.S.C. §112 second paragraph, Claims 15, 16, 19-21, 23 and 24 are rejected under 35 U.S.C. §102 and Claims 17, 18 and 22 are rejected under 35 U.S.C. §103. In response, Claims 15, 18, 21-23 and 25-28 have been amended, Claims 29 and 30 have been added and Claim 17 has been cancelled. The amendments do not add new matter. In view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the rejections are improper and should be withdrawn.

In the Office Action, Claims 15-22 and 25-28 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Patent Office alleges that the following claim terms lack clear antecedent basis: (i) Claim 15 (line 7), "said head part", (ii) Claim 21 (line 2), "said shutter member", and (iii) Claim 22 (line 3), "said shutter member". In response, Applicants have amended Claims 15, 21 and 22 to address the informalities cited by the Patent Office.

Additionally, the Office Action alleges that the scope of Claims 25-28 cannot be readily ascertained. Consequently, Applicants have amended Claims 25 and 26 to delete phrases referring to particular structure of a recording and/or reproducing apparatus and have also amended Claims 27 and 28 for further clarification. Applicants have also amended independent Claim 25 to recite, in part, a cut-out formed in a wall of the main cartridge body unit, and dependent Claim 25 to recite, in part, a cut-out formed to a height at least equal to a thickness of a surface of the main cartridge body. These amendments are fully supported in the specification, for example, at page 20, lines 8-13, page 47, line 7 to page 48, line 4 and at Figures 29 and 30. For example, Figures 29 and 30 illustrate the structure of cut-out 25 in relation to a thickness of

the lower cartridge surface 4. Based on at least these noted reasons, Applicants believe that Claims 15-22 and 25-28 fully comply with 35 U.S.C. §112, second paragraph.

Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Office Action, Claims 15, 16, 19-21, 23 and 24 are rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,961,952 to Takamori et al. ("*Takamori*"). In view of the amendments and/or for the reasons set forth below, Applicants respectfully disagree with and traverse this rejection.

As amended, independent Claim 15 recites, in part, a main cartridge body wherein a lateral surface of said entrance part for said head unit is an inclined surface for inhibiting abutment against a head part. Similarly, as amended, independent Claim 23 recites, in part, a disc cartridge wherein a lateral surface of said recess is an inclined surface for inhibiting abutment against the portion of said recording and/or reproducing means. Applicants have amended independent Claims 15 and 23 to recite the elements of dependent Claim 17. The amendments are fully supported in the specification, for example, at page 19, lines 11-15. In contrast, Applicants respectfully submit that *Takamori* fails to disclose or suggest every element of independent Claims 15 and 23 as amended.

Takamori fails to disclose or suggest a lateral surface of an entrance part or recess being an inclined surface for inhibiting abutment against a recording and/or reproducing apparatus as required, in part, by independent Claims 15 and 23. The Patent Office admits the same. See, Office Action, page 7, lines 20-22. Instead, *Takamori* teaches an opening having a large enough width (L7) to avoid as much interference as possible with the optical pickup. See, *Takamori*, col. 9, lines 20-36. As such, *Takamori*'s opening is wide enough to fit the entire optical pickup housing therein and the disclosure of *Takamori* fails to include an inclined surface to inhibit abutment as presently claimed. For at least the reasons discussed above, Applicants respectfully submit that Claims 15 and 23 as amended and Claims 16, 19-21 and 24 that depend therefrom are novel, nonobvious and distinguishable from *Takamori*.

Accordingly, Applicants respectfully request that the anticipation rejection with respect to Claims 15, 16, 19-21, 23 and 24 be reconsidered and the rejection be withdrawn.

In the Office Action, Claims 17, 18 and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Takamori* in view of Japanese Patent No. JP 08-031133A to Nishikata ("*Nishikata*"). Applicants believe this rejection is improper and respectfully traverse it for at least the reasons set forth below.

Applicants respectfully submit that the skilled artisan would not combine the cited references to arrive at the claimed invention because the cited references are directed to devices having different modes of operation. For example, as discussed above, the emphasis of *Takamori* is directed to an opening in a disk cartridge wide enough to accommodate an entire housing for an optical pickup. In this regard, *Takamori*'s wide opening is designed to prevent collision between the disk cartridge and the optical pickup. Conversely, *Nishikata* discloses an aperture in a disk cartridge with a downward slope for protecting the objective lens of the optical pickup against failure at the time of collision between the disk cartridge and the optical pickup. See, *Nishikata*, Abstract. Consequently, one skilled in the art would not be lead to include a downward sloped aperture as taught by *Nishikata* to *Takamori*.

Applicants respectfully submit that, even if combinable, all of the claimed elements are not taught or suggested by the cited references. For example, *Nishikata* fails to disclose or suggest a lateral surface of a recess as an inclined surface for inhibiting abutment against a recording and/or reproducing apparatus as required, in part, by Claims 15 and 23. Instead, the emphasis of *Nishikata* is directed to a downward slope on an end surface of a recess. See, *Nishikata*, Figures 1 and 6. For at least the reasons discussed above, even if combinable, the cited references do not teach, suggest, or even disclose all of the elements of Claims 17, 18 and 22, and thus, fail to render the claimed subject matter obvious.

Accordingly, Applicants respectfully request that the obviousness rejection with respect to Claims 17, 18 and 22 be reconsidered and the rejection be withdrawn.

Applicants further note that Claims 29 and 30 have been newly added. New Claims 29 and 30 substantially correspond to previously presented Claims 17 and 18. This amendment is fully supported in the specification as discussed above. Applicants respectfully submit that the subject matter as defined in the newly added claims is patentable over the cited art for at least the same reasons as discussed above.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly solicit an early allowance of same.

Respectfully submitted,

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